

REMARKS

The undersigned attorney would like to thank the Examiner for the time spent on August 18, 2004 discussing the present Office action by telephone. At that time, the undersigned attorney indicated Applicants would like to shift the focus of future prosecution to claims directed to a pesticidal composition comprising the cationic surfactant composition of either independent claims 1 or 41. During this discussion, the Examiner indicated that this would be acceptable, provided Applicants elected a species for the pesticidal component of the claimed composition, as well as the first and second surfactant components thereof. Applicants provide details of these requested species elections below.

Accordingly, Applicants respectfully request reconsideration and further examination of the present application.

I. Amendments to the Claims

With this Amendment B, claims 1 and 41 have been cancelled. Additionally, claims 3, 14-40, 42 and 52-55 have been amended for purposes of clarification and consistency. More specifically, claims 3 and 42 have been amended to now specifically recite the details of the cationic surfactant compositions of claims 1 and 41, respectively. Additionally, claims 14-40 and 52-55 have been amended to ensure the use of consistent terminology.

Accordingly, upon entry of this Amendment, claims 3-8, 10, 12-40, 42-47, 49 and 51-55 will be pending in the application.

II. Election of Species

Consistent with the above-noted telephone conversation with the Examiner, Applicants elect for further examination: (i) an etheramine as the first surfactant (i.e., the surfactant of formula (5)); (ii) a diamine as the second surfactant (i.e., the surfactant of formula (6)); and, (iii) glyphosate as the pesticide. All pending claims are readable on these elected species.

III. Rejections under 35 U.S.C. §102 and §103

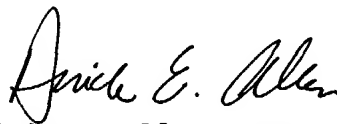
Applicants respectfully submit that the amendments to the claims presented herein render the current claim rejections moot, in as much as claims directed to a pesticidal composition where previously withdrawn from consideration by the Office. Applicants do, however, respectfully submit that Crutcher (U.S. Patent No. 6,080,713) clearly fails to disclose or suggest the pesticidal compositions as now claimed herein.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and further examination of the present application.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 19-1345.

Respectfully submitted,



Derick E. Allen, Reg. No. 43,468
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

DEA/VMK/skd/sxm

Mail Stop RCE
Express Mail Label No. EV 544920743 US